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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,319	11/02/1999	RICHARD JOHN PROCTOR	P/61683	9894
156	7590	10/19/2004		
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			EXAMINER PIZARRO, RICARDO M	
			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/432,319

**Applicant(s)**

PROCTOR, RICHARD JOHN

**Examiner**

Ricardo Pizarro

**Art Unit**

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-51 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/01/04 has been entered.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 36-41, 45 and 49 are rejected under 35 U.S.C. 103(a) in view of Cheesman in view of Gorman

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US patent No. 6,282,194 ( Cheesman et al) discloses a Transit sub-network system comprising one or more nodes( SPM interfaces 40 in Fig. 2) and a plurality of telephone exchanges (LEC and tandem exchanges in Fig. 2) wherein two or more of the telephone exchanges are arranged to communicate via the one or more nodes ( exchanges interface network via SPMs 40), wherein communication via the one or more nodes is in the form of packets (ATM network i.e. packets), wherein the one or more nodes comprise routers ( said interfaces SPM 40 in Fig.2 interfaces trunks with network and converts protocols i.e. routers) , wherein one or more of the routers uses IP protocol ( interface 40 serving IP Gateway on Fig.2) , as in claim 36.; wherein some of the exchanges are trunk exchanges ( tandem exchanges in fig. 2) , as in claim 37; wherein some of the exchanges are local exchanges ( local exchanges EO in Fig. 2), as in claim 38 ; wherein call handling in the system takes place outside the one or more nodes ( nodes 40 in Fig. 2 are not arranged to handle call processing between exchanges but rather to convert STM cell and transfer cells to ATM network, col 5 lines 34-36), as in claim 39; wherein each of the trunk exchanges has a direct link to each of the one or more nodes (Trunk exchanges 18, 24 and 26 are directly connected to nodes 40 in Fig. 2 ), as in claim 40.; wherein some of the exchanges are trunk exchanges, and wherein local and trunk exchanges use ATM ( some exchanges are trunk exchanges AT and communicate using ATM –see ATM network in Fig. 2), as in claim 41.

Cheesman did not specifically disclose means for converting traffic between packetized and non packetized form neither said SPM 40 interfaces as routers , as in claim 36.

However U.S. patent No. 6, 370, 149 (Gorman) discloses a telecommunication system, comprising: means for providing said exchanges with means for converting traffic between packetized and non-packetized form ( by providing a means IWU 74 to interface data access

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tandem 72 [packetized] and the class 5 switch [non-packetized] in Fig. 4, col 6 lines 18-27) as in claim 36, communications network such as the Internet, col 7 lines 20-27) , as in claim 45 means for carrying voice traffic as voice over IP ( voice communications can be transmitted using a data the traffic to be packetized comprises PDSTN traffic ( col 5 lines 50-55), as in claim 49 .

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention that said interfacing units are able to perform as router units in the Cheesman system and also to provide the means as disclosed by Gorman which is able to convert a packetized data stream to a voice signal in a TR-303 format ( non-packetized) to the exchange communication network disclosed by Cheesman and that the interface unit 40 would have been able to perform protocol conversion, with the motivation of providing a switching system for a communication network that comprises a plurality of other devices interconnected by routes, the switching system being connected to a first of said devices by at least a first and a second of said routes. with the motivation of obtaining a system that permits narrowband traffic to be directed through asynchronous traffic mode networks.

3. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman and Gorman in further view of Williams.

Cheesman and Gorman did not specifically disclose said exchange including routing data, as in claim 42-43.

US patent No. 6,002,757 ( Williams et al) discloses a Routing table system, wherein a telephone exchange includes routing data ( tables), as in claims 42-43.

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the routing data means as disclosed by Williams to said systems with the motivation of obtaining a method of routing calls between networks with ported number while making use of existing facilities.

4. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman and Gorman in further view of Allen.

Cheesman did not specifically disclose said the system comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 44.

Allen ( U. S. patent No. 6,345,048 ) discloses an ATM based distributed virtual tandem switching system, comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 44.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the means for carrying voice traffic as disclosed by Allen to said systems with the motivation of obtaining a trunk forecasting and provisioning system that in order to minimize overflow call volume, can adequately provide forecasting in such a way that the trunk group can handle the expected call volume.

5. Claims 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman and Gorman in further view of Socaciu.

Cheesman and Gorman did not specifically disclose detecting modem traffic, as in claim 47.

US patent No. 6,542,498 (Socaciu) discloses a signaling system including modem detection means, as in claim 47.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the detection means as disclosed in Socaciu to the system disclosed by Cheesman and Gorman with the motivation of obtaining a system that can easily and efficiently connect idle Internet end stations at any time.

6. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman and Gorman in further view of Allen.

Cheesman and Gorman did not specifically disclose said adapter comprising means for compression of voice traffic, as in claim 51.

Allen (U.S. patent No 6, 345, 048) discloses an IWF means comprising AAL2 means that can support voice compression ( col 6 lines 30-32), as in claim 51.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the voice compression means as disclosed by Allen to the systems disclosed by Cheesman and Gorman in order to obtain a switching system that that is adapted to receive end office voice trunks and convert the trunks to ATM cells with the motivation of providing an ATM based distributed virtual tandem switching system that can replace a standard tandem switch.

### ***Conclusion***

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

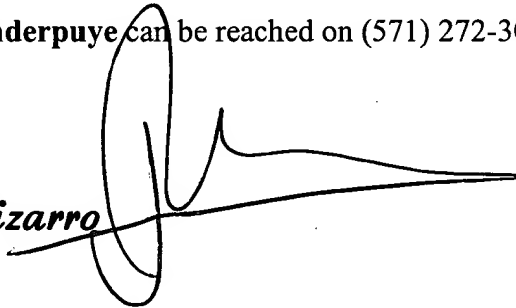
Hand-delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuye** can be reached on (571) 272-3078.

10/15/2004

*Ricardo M. Pizarro*

A handwritten signature in black ink, appearing to be "Ricardo M. Pizarro", written over a horizontal line. The signature is stylized with a large loop at the end.